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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
087748,891	10/08/96	LESIMPLE	M

34M2/0424
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EXAMINER	
COOLEY, C	
ART UNIT	PAPER NUMBER
3405	4

DATE MAILED: 04/24/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.

08/748,891

Applicant(s)

Lesimple

Examiner

Charles E. Cooley

Group Art Unit

3405



☒ Responsive to communication(s) filed on 8 Oct 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 15-29 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 15-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 8 Oct 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892 ✓

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 ✓

☐ Interview Summary, PTO-413 ✓

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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OFFICE ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

Information Disclosure Statement

2. Note the attached PTO-1449 form submitted with the Information Disclosure Statement filed 01/08/97.

Drawings

3. The drawings are objected to because the drawings contain improper sectional views. The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight (37 CFR 1.84(h)(3)). Correction is required.

Note the broken lines in Figures 1 and 5 lack arrows denoting the direction of sight. All sectional views should be corrected in accordance with 37 CFR 1.84(h)(3).

4. Applicant should ensure that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference

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characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

5. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must include a print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

Specification

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

7. The disclosure is objected to because of the following informalities:

a. the many reference characters present in the specification having a number in conjunction with an underlined letter are improper as the underlining may create printing problems at issue. All such characters (such as 10a, 12a, 12b, etc.) should be revised to eliminate the underlining.

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Appropriate correction is required.

8. The abstract is acceptable.
9. The title is acceptable.

Claim Objections

10. The claims are objected to because they lack a proper introduction. The present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent). MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

11. Claims 15-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is vague and incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. MPEP § 2173.05(I). The structural cooperative relationship between the means for preventing rotation of the stirrer can and the other recited elements is lacking.

Claim 21, line 2: "said stirrup" lacks antecedent basis.

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Claim 23, line 3: the term "inwardly" is with respect to what reference axis, surface, or plane?

Claim 25, line 1: the extraneous "16" should be deleted.

Claim 27, line 16: "the rotatable plate" lacks antecedent basis; in line 20, "said drive shaft" lacks antecedent basis; in line 22, "said drive pulleys" lacks antecedent basis; the claim is vague and incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. MPEP § 2173.05(I). The structural cooperative relationship between the means for preventing rotation of the stirrer can and the other recited elements is lacking.

12. Each pending claim should be rigorously reviewed such that these and any other informalities are corrected so the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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14. Claim 25 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Marienthal '461.

15. Claim 25 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Stockton '649.

16. Claim 25 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Worden '363.

Allowable Subject Matter

17. Claims 15-24 and 27-29 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

18. Claim 26 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is (703) 308-0112.


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21. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 3400 receptionist whose telephone number is ☎ (703) 308-0861.

Respectfully submitted,



Charles Cooley
Primary Examiner
Art Unit 3405

Dated: 22 April 1997